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9  
10 **BEFORE THE**  
11 **BOARD OF REGISTERED NURSING**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2009-297

14 ROSE GRECO,  
a.k.a. ROSE M. GRECO,  
15 a.k.a. ROSE MARIE GRECO,  
a.k.a. ROSE MARIE WILSON,  
16 201 Country Club Lane, Apt. 65  
Oceanside, CA 92054

**A C C U S A T I O N**

17 Registered Nurse License No. 505594,

18 Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation  
23 solely in her official capacity as the Executive Officer of the Board of Registered Nursing  
24 ("Board"), Department of Consumer Affairs.

25 2. On or about October 14, 1994, the Board issued Registered Nurse License  
26 Number 505594 to Rose Greco, also known as Rose M. Greco, Rose Marie Greco, and Rose  
27 Marie Wilson ("Respondent"). Respondent's Registered Nurse license was in full force and

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1 effect at all times relevant to the charges brought herein, and will expire on April 30, 2010, unless  
2 renewed.

### 3 JURISDICTION

4 3. Business and Professions Code ("Code") section 2750 provides, in  
5 pertinent part, that the Board may discipline any licensee, including a licensee holding a  
6 temporary or an inactive license, for any reason provided in Article 3 (commencing with section  
7 2750) of the Nursing Practice Act.

### 8 STATUTORY PROVISIONS

9 4. Code section 2761, subdivision (a), states, in pertinent part, that the Board  
10 may take disciplinary action against a certified or licensed nurse or deny an application for a  
11 certificate or license for unprofessional conduct.

12 5. Code section 2762 states, in pertinent part:

13 In addition to other acts constituting unprofessional conduct within  
14 the meaning of this chapter [the Nursing Practice Act], it is unprofessional  
conduct for a person licensed under this chapter to do any of the following:

15 (a) Obtain or possess in violation of law, or prescribe, or except  
16 as directed by a licensed physician and surgeon, dentist, or podiatrist  
administer to himself or herself, or furnish or administer to another, any  
17 controlled substance as defined in Division 10 (commencing with Section  
11000) of the Health and Safety Code or any dangerous drug or dangerous  
18 device as defined in Section 4022 . . .

19 6. Code section 4060 states:

20 No person shall possess any controlled substance, except that furnished to  
21 a person upon the prescription of a physician, dentist, podiatrist, optometrist,  
veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished  
22 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section  
2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant  
23 pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or  
a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause  
24 (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.  
This section shall not apply to the possession of any controlled substance by a  
25 manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist,  
optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse  
26 practitioner, or physician assistant, when in stock in containers correctly  
labeled with the name and address of the supplier or producer.

27 Nothing in this section authorizes a certified nurse-midwife, a nurse  
28 practitioner, a physician assistant, or a naturopathic doctor, to order his or  
her own stock of dangerous drugs and devices.

1                   7.     Health and Safety Code section 11173, subdivision (a), states, in pertinent  
2 part:

3                   No person shall obtain or attempt to obtain controlled substances, or  
4 procure or attempt to procure the administration of or prescription for controlled  
substances, (1) by fraud, deceit, misrepresentation, or subterfuge . . .

5                   **COST RECOVERY**

6                   8.     Code section 125.3 provides, in pertinent part, that the Board may request  
7 the administrative law judge to direct a licensee found to have committed a violation or  
8 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
9 and enforcement of the case.

10                  **DRUG AT ISSUE**

11                  9.     “Demerol,” a brand of meperidine hydrochloride, a derivative of  
12 pethidine, is a Schedule II controlled substance as designated by Health and Safety Code section  
13 11055, subdivision (c)(17).

14                  **CAUSE FOR DISCIPLINE**

15                  **(Diversion, Possession, and Self-Administration of Controlled Substance)**

16                  10.    Respondent is subject to disciplinary action pursuant to Code section 2761,  
17 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,  
18 subdivision (a), in that in or about February 2005, while on duty as a registered nurse at the  
19 United States Naval Hospital, Marine Corps Base, Camp Pendleton, California, Respondent did  
20 the following:

21                  **Diversion of Controlled Substances:**

22                  a.     Respondent obtained the controlled substance Demerol by fraud, deceit,  
23 misrepresentation, or subterfuge, in violation of Health and Safety Code section 11173,  
24 subdivision (a). Specifically, in or about February 2005, Respondent removed syringes of  
25 Demerol 75 mg from the United States Naval Hospital’s Omnicell Medication Dispensing System  
26 for administration to patients. After allegedly administering the Demerol, Respondent took  
27 unused portions for her personal use rather than dispose of the medication. Respondent then self-  
28 administered the Demerol.

1                   **Possession of Controlled Substances:**

2                   b.       In or about February 2005, Respondent possessed unknown quantities of  
3 the controlled substance Demerol, as set forth in subparagraph (a) above, without a valid  
4 prescription from a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor,  
5 in violation of Business and Professions Code section 4060.

6                   **Self-Administration of Controlled Substances:**


7                   c.       In or about February 2005, Respondent self-administered unknown  
8 quantities of the controlled substance Demerol, as set forth in subparagraph (a) above, without  
9 authority or direction by a licensed physician and surgeon, dentist, or podiatrist.

10                                   **PRAYER**

11                   WHEREFORE, Complainant requests that a hearing be held on the matters herein  
12 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 13                   1.       Revoking or suspending Registered Nurse License Number 505594, issued  
14 to Rose Greco, also known as Rose M. Greco, Rose Marie Greco, and Rose Marie Wilson;  
15                   2.       Ordering Rose Greco, also known as Rose M. Greco, Rose Marie Greco,  
16 and Rose Marie Wilson, to pay the Board of Registered Nursing the reasonable costs of the  
17 investigation and enforcement of this case, pursuant to Business and Professions Code  
18 section 125.3;  
19                   3.       Taking such other and further action as deemed necessary and proper.

20  
21 DATED: 5/28/09.

22  
23   
24 RUTH ANN TERRY, M.P.H., R.N.  
25 Executive Officer  
26 Board of Registered Nursing  
27 Department of Consumer Affairs  
28 State of California  
Complainant